

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for }
RUTH H. LEWIS, Estate }
Plaintiff(s) }

VS.

MODERN WOODMEN OF AMERICA }
et al. }
Defendant(s) }

CIVIL ACTION NO. 3:07-CV-138-MHT-WC

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

2007 APR 10 P 2:31

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Affidavit in support of Motion for Summary Judgment

STATE OF ALABAMA } ss.
COUNTY OF MACON }

ALONZO AUSTIN, who, being first duly sworn,
deposes and says:

I am ALONZO AUSTIN, and have personal
knowledge of the facts set forth.

This affidavit is submitted in support of the
Plaintiff(s) Motion for Summary Judgment for the
purpose of showing that there is in this action
no genuine issue as to any material fact, and
that the Plaintiff(s) is entitled to Judgment
as a matter of Law. As issue is Constitutional
in Nature.

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2. Plaintiff(s), First Contact with the Defendant(s) (THE ALABAMA STATE BOARD OF LICENSURE,) was in early May 1994, within the first week of the Month in question.

3. Plaintiff(s) were referred by (THE ALABAMA STATE ATTORNEY GENERALS OFFICE OF CONSUMER AFFAIRS), after Plaintiff(s) inquired about seeking assistance in removing Principal RUTH H. LEWIS, from Mason Manor, assisted living facility at 5888 Cherry Hill Road, Montgomery Alabama, where she was being held against her will!! Plaintiff(s), had frantically searched for Principal Lewis, for approximately 10 weeks before Juanita R. Upshaw, was spotted on April 30, 1994, driving South on I-85, going from Tuskegee to Montgomery by Plaintiff(s), while driving Plaintiff(s), Stolen 1992 Buick Skylark GS., Plaintiff(s), then proceeded to follow her to the facility, in question and I watched and waited until she left after which I entered the facility to find a very very sad and dejected person Ms. RUTH H. LEWIS..

4. MS. LEWIS, I said as I approached her sitting in the Cafeteria yes she, replied with her head bowed, I eased up to her and

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placed my hand on her shoulder and said once more with her head, still bowed, I said RUTH H. LEWIS, "KIN FOLK is that you"? !!! With that second utterance she looked up and said ALONZO!! ALONZO!! ALONZO!!!, and she began crying and shanking while she held on to my hands and I hers, Moments later she stated "ALONZO "where you're been"? "I told these folks you would come and get me Thank you Jesus!! thank you heavenly father!! 5. and then she stood up and said these words "Why you let them folks take me from my house"? with that I began crying uncontrollably at which time a CNA approach and offered tissue to the both of us, The CNA began to speak by saying "Oh so you're ALONZO!?!?" My Lewis, talks about you all the time. you, and your wife, and them good pound Calces, she, cooks how did you find her she ask? and Plaintiff (S) said by following Juanita K. Upshaw, of course Well, Juanita, said (if you ever came) "to call the Police", because there is a "Court Order" Against you!! So the administrator is gone for the day and I will get in trouble if you take her out of here I promised I would not take here, and I promised Ms. Lewis

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I would returned the next day which I did.

6. A Few days Later I spoke to A MR. Guy NIVENS, Claiming to be A representative, From the "ALABAMA BOARD OF LICENSURE", after explaining that MS. Lewis, was a Principal, and I, was her, Agent, and that MS. Lewis, had been made a ward, of the State of ALABAMA, per Probates and Circuit Court, orders, and Juanita K. Upshaw, had unknowingly Led me to the facility in question on April 30, 1994, after I had Look for MS. Lewis, For Several month after she, was kidnapped and forcibly removed from her home, in Tuskegee.

7. MR. NIVENS, Promised^{to} investigate the matter and provide Plaintiff(s) with his finding in a report. within 24 hrs., but weeks went by so I called and finally good a hold of Mr. Guy Nevins, who state to me that he had spoken to Attorney Fred Gray SR., the City ATTORNEY, who assured him that Plaintiff(s) had no standing to file A Complaint.

8. That as a result of the Conversation with ATTORNEY FRED GRAY SR., the investigation ended!!!

Conclusion: THE ALABAMA STATE BOARD OF LICENSURE ignored THE Valid power of the "LAW OF AGENCY" and instead embraced

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the Fraudulent and Corrupted actors, joining
Plans and Schemes in violation of ALL the
CIVIL Rights, complained of in Plaintiff's Complaint
Under the ~~US~~ Constitution. "Under ~~color of~~ STATE Law"
See Exhibit "A" a letter to CRIS MASON (owner) by Alongo Austroprose
Alongo Austro, pro se

Jerry R. McRae, Notary

Com. Expires 2-28-09

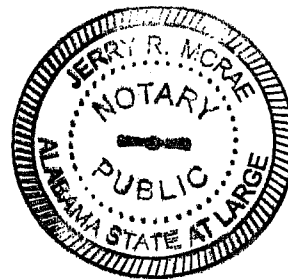


EXHIBIT A

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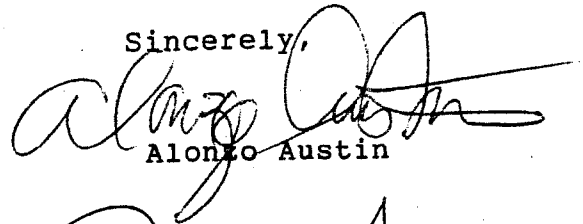
Alonzo Austin
1321 Oliver-Carlis Rd.
Tuskegee, AL. 36083
6/12/94

Mr. Cris Mason
4120 Carmicheal Rd.
Montgomery, AL. 36106

Dear Sir:

My name is Alonzo Austin. I am Ruth H. Lewis's agent, her Attorney in fact. For confirmation please see document entitled Durable General Power of Attorney and identified as Exhibit A. I demand of you that Ruth H. Lewis be released to me Alonzo Austin, her agent and Attorney in fact immediately pursuant to code of AL. 1975 § 26-1-2 sub paragraph (a), (b). Call Lawyer Bulls at 727-1079 if you have any legal questions regarding Mrs. Lewis's competency. Mrs. Lewis is housed in one of your Assisted Living Facilities namely Mason Manor addressed at 5888 Cherry Hill Road and being held against her will for reasons that have not been substantiated at this time. Mr. Mason, I expect your full cooperation for I am sending a copy of this letter to the Attorney General's Office care of Attorney Spence Singleton. Please be advised that I am asking for a full investigation by the office of the District Attorney in Macon County. A prompt reply is expected from you.

Sincerely,


Alonzo Austin

P. O. A

for
Ruth H Lewis

P.S. Tell Mrs LEWIS HELLO From Me!!!
and I am doing all I can to get her
back home so she can attend church
at shopping and visit her friends.... ALONZO

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing documents upon

^{an} ~~State~~ ^{Bar} ~~of~~ ^{of} ~~Alabama~~
Bettie J. Carmack
Assistant Attorney General
11 South Union Street
Montgomery, AL 36130

by depositing same in the U.S.
with adequate first class postage
thereon to ensure delivery
this the 9th day of April, 2007

Alonzo Austin, Pro Se
~~by Alonzo Austin, Pro Se~~
ALONZO AUSTIN
1321 River-Carlis Rd.
Tuskegee, AL 36083
Ph# (334) 727-5476